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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN GONZALEZ,

Defendant and Appellant.

F067180

(Super. Ct. No. SF016818A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. Colette M. Humphrey, Judge.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Kane, Acting P.J., Franson, J. and Chittick, J.†

† Judge of the Superior Court of Fresno County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Appellant Juan Gonzalez pled no contest to manufacture of a weapon by an inmate (Pen. Code, § 4502, subd. (b))¹ and admitted allegations that he had two prior convictions within the meaning of the three strikes law (§ 667, subds. (b)-(i)). Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), we affirm.

FACTUAL AND PROCEDURAL HISTORY

Gonzalez was an inmate at Wasco State Prison when he committed the underlying offense. On June 21, 2012, at approximately 4:04 p.m., Correctional Officer Juan Garcia observed an extraction and approached Gonzalez in a cell as Gonzalez sat on a bunk. Officer Garcia asked Gonzalez if he had anything on him. Gonzalez denied that he did and threw a two and one-half inch metal screw with a sharpened end into a locker that was about a foot away from him.

On January 7, 2013, the district attorney filed an information charging Gonzalez with possession of a weapon while an inmate (§ 4502, subd. (a)), a prior prison term enhancement (§ 667.5, subd. (b)), and having two strikes within the meaning of the three strikes law.

On February 22, 2013, the prosecutor amended the information to charge Gonzalez with manufacture of a weapon by an inmate. Gonzalez then pled no contest to that charge and admitted the allegations that he had two prior strike convictions in exchange for the dismissal of the prior prison term enhancement and for a stipulated sentence of 32 months.

On March 21, 2013, the court struck one of Gonzalez's strike convictions and sentenced him to a mitigated term of 32 months, the mitigated term of 16 months doubled to 32 months because of Gonzalez's remaining strike conviction. The court ordered the

¹ All further statutory references are to the Penal Code.

term to run consecutive to the sentence Gonzalez was already serving for a total aggregate term of five years four months.

Gonzalez's appellate counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*Wende, supra*, 25 Cal.3d 436.) Gonzalez has not responded to this court's invitation to submit additional briefing.

Following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The judgment is affirmed.